

Application No. 10/814,288
Docket No. P21-169534M/ISI

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I STATEMENT OF SUBSTANCE OF INTERVIEW

The following is Applicant's Statement of Substance of Interview held with the Examiner of Record in the above-identified application on December 19, 2007.

Applicant's representative demonstrated that the cited prior art reference to Yoshida fails to teach or suggest Applicant's claimed invention of *"wherein a first distance in the axial direction of the plug between a plug contacting portion of the stopper and a plug contacting portion of the seal ring, is equal to or less than a second distance in the axial direction of the plug between an initial stopper contacting portion of the plug and an initial seal ring contacting portion on a radius portion on the plug between the flat portion and the first taper portion."*

The Examiner stated that his rejection over Yoshida was based on an erroneous assumption that the drawings of Yoshida were to scale with one another.

The Examiner then stated that he will withdraw the finality of the Final Office Action mailed on September 25, 2007, since the reference to Yoshida fails to teach or suggest Applicant's claimed invention, and would most likely issue a Notice of Allowance upon consideration of Applicant's remarks included herewith.

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II. REMARKS

Claims 1-20 are all the claims presently pending in this application.

The Drawings are objected with respect to the claimed subject matter of claims 13-16 and Applicant's following discussion of specification support is believed to be fully responsive to all points raised by the Examiner.

With respect to claims 13-14, page 12, lines 19-23 of the Specification states,

"Further, a middle portion of the notched groove 53 at the outer periphery of the third diameter expanded portion 46 is formed with a recess portion 55 having a section in a V-like shape along the peripheral direction."

Notched groove 53, third diameter expanded portion 46 and recess portion 55 are clearly shown in Applicant's Fig. 1A and 1B.

With respect to claims 15-16, page 12, line 23 to page 13, line 2 of the Specification states,

Further, a lower end of the notched groove 53 at the outer periphery of the third diameter expanded portion 46 is formed with a containing recess portion 56 formed by a wall in a channel-like shape for containing an end portion of the stopper 60.

Notched groove 53, third diameter expanded portion 46, recess portion 56 and end portion of the stopper 60 are clearly shown in Applicant's Fig. 1A and 1B.

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Yoshida et al., JP 2003-021287.

This rejection is respectfully traversed in view of the following discussion.

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III. THE PRIOR ART REJECTION

The 35 U.S.C. § 102(b) Rejection over Yoshida et al., JP 2003-021287

The Examiner alleges that Yoshida et al., JP 2003-021287, (Yoshida), teaches the invention of claims 1-20.

Applicant submits, however, that Yoshida does not teach or suggest:

"wherein a first distance in the axial direction of the plug between a plug contacting portion of the stopper and a plug contacting portion of the seal ring, is equal to or less than a second distance in the axial direction of the plug between an initial stopper contacting portion of the plug and an initial seal ring contacting portion on a radius portion on the plug between the flat portion and the first taper portion," of independent claim 1;

"sliding said plug into said stopper such that after said seal ring reaches the radius portion of said plug, the stopper initially makes engaging contact with the plug," of independent claim 18; and

"wherein a first distance in the axial direction of the plug means between a plug means contacting portion of the stopper means and a plug means contacting portion of the seal ring means, is one of equal to and less than a second distance in the axial direction of the plug means between an initial stopper means contacting portion on said radius portion between said first taper portion and said flat portion," of independent claim 20.

First, Applicant maintains that the Examiner's statement, "It is clear from the figures, which essentially mirror Applicant's figures in proportion and relative dimensions, the context of the invention and its intended function as well as common sense..., is clearly erroneous."

Applicant contends that Yoshida's disclosure (JP 2003-021287) does not "essentially

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mirror" Applicant's disclosure and claimed invention as alleged by the Examiner. Applicant presents Exhibit A accompanying the following discussion to demonstrate that Yoshida's disclosure is not the same as the current claimed invention.

Exhibit A

"...a first distance [D1] in the axial direction of the plug between a plug contacting portion of the stopper [A] and a plug contacting portion of the seal ring [B],...."

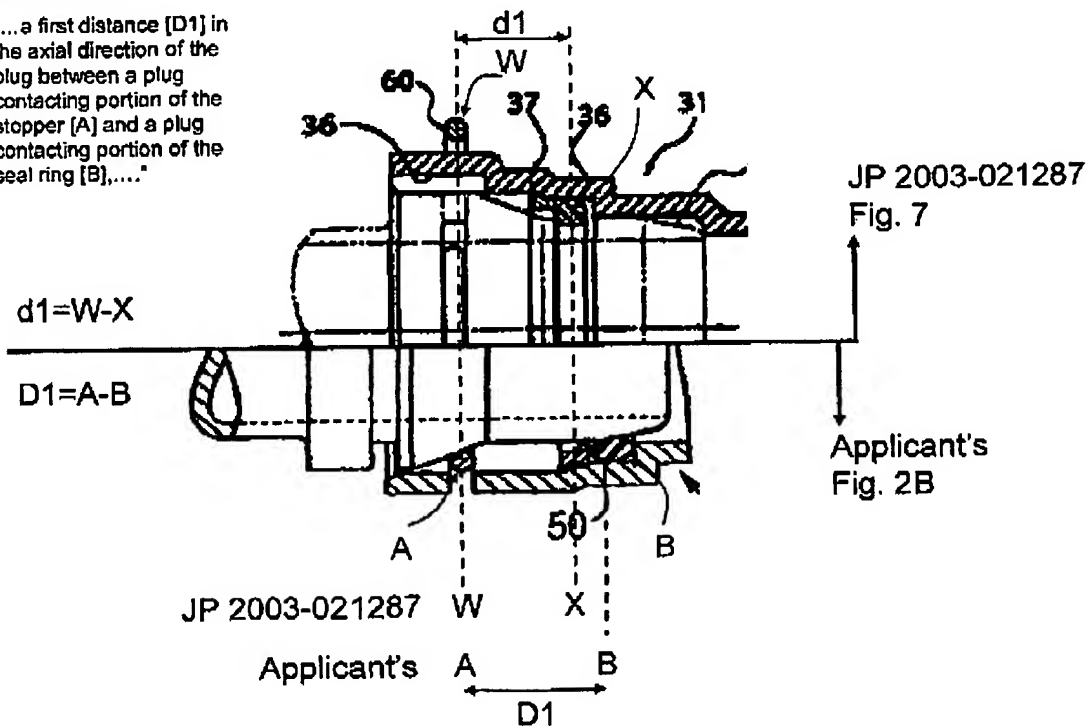


Exhibit A aligns proportional drawings of Yoshida and Applicant's inventions along the stopper position to demonstrate to the Examiner the difference in geometric proportions and relative dimensions of the two disclosures. d1 is defined at the distance between Yoshida's plug contacting portion of the stopper [W] and Yoshida's plug contacting portion of the seal ring [X]. D1' is defined at the distance between Applicant's plug contacting portion of the stopper [A] and Applicant's plug contacting portion of the seal ring [B].

The difference in length between Yoshida's distance d1 and Applicant's distance D1

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is caused by the position of Applicant's seal ring 50 being located further away from the stopper than in Yoshida.

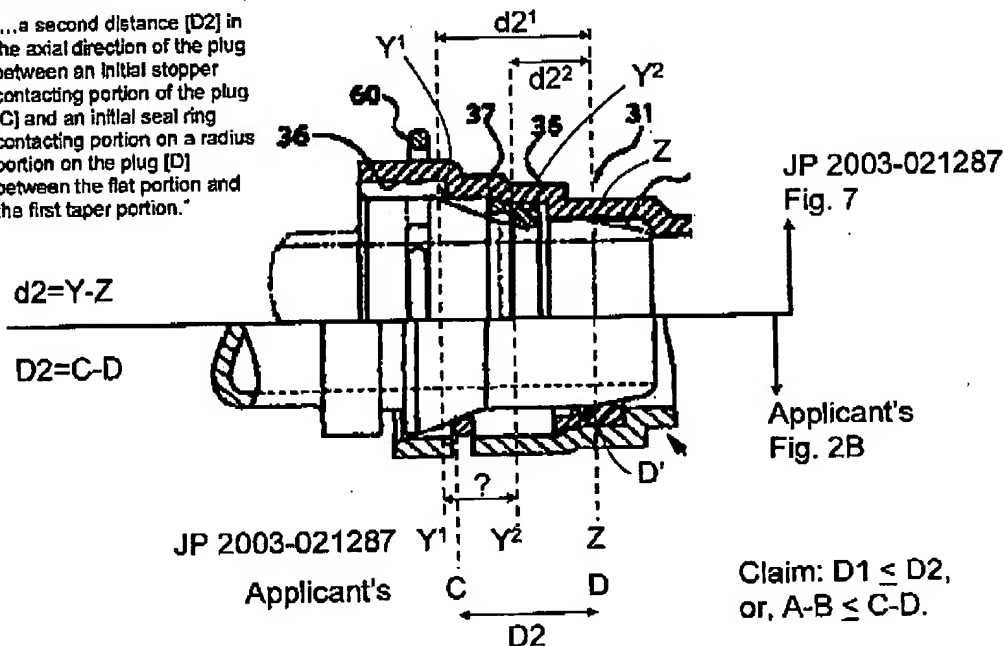
Therefore, Applicant's disclosure and claimed invention do not "essentially mirror" each other in both "proportion and relative dimensions" for the fundamental reasons that enable Applicant's claimed invention to function as claimed thereby clearly distinguishing it over Yoshida.

Secondly, Applicant responds to the Examiner's statement, "...the plug contacts the stopper initially on [the] tapered portion (24), and more than likely at the point indicated in Attachment X, possibly slightly closer to the intersection of taper portion (24) and flat (23)."

Applicant presents Exhibit B accompanying the following discussion demonstrating that Yoshida's disclosure fails to disclose and the Examiner is purely speculating as to Yoshida anticipating Applicant's claimed invention.

Exhibit B

"...a second distance [D2] in the axial direction of the plug between an initial stopper contacting portion of the plug [C] and an initial seal ring contacting portion on a radius portion on the plug [D] between the flat portion and the first taper portion."



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Exhibit B aligns proportional drawings of Yoshida (JP 2003-012287) and Applicant's inventions along the radius portion on the plug between the flat portion and the first taper portion for assessing relative reference positions.

D2 is defined at the distance between Applicant's initial stopper contacting portion of the plug [C] and Applicant's initial seal ring contacting portion on a radius portion on the plug between the flat portion and the first taper portion [D].

d2 is defined at the distance between Yoshida's initial stopper contacting portion of the plug [Y¹] and [Y²] and Yoshida's initial seal ring contacting portion on a radius portion [Z] on the plug between the flat portion and the first taper portion.

However, even though the Examiner alleges that Yoshida's Figs. 2 and 6-12, and particularly Figs. 2 and 10, "show the radial axis of the stopper shown as intersecting the point on which the plug initially contacts the stopper," the Examiner is purely speculating as to where the stopper initially contacts the plug since none of the figures of Yoshida show (1) the stopper at a point of initial engagement with the plug, and (2) neither do any of the figures of Yoshida show the relative location of the stopper with respect to the plug at any point before engagement with the plug to determine the approximate point of initially contact on the plug by the stopper. Thus Yoshida's initial point of engagement on the plug with the stopper is indeterminate for lack of sufficient disclosure.

Therefore, as demonstrated above in Exhibit B, the initial point of contact of the stopper on the plug is indeterminate and could be anywhere along the tapered portion of the plug defined by the distance between Y¹ and Y². Consequently, the second distance d2 of Yoshida is indeterminate as well since d2¹ is dependent on Y¹, and d2² is dependent on Y².

Therefore, Yoshida fails to disclose Applicant's claimed invention of *second distance*

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in the axial direction of the plug between an initial stopper contacting portion of the plug and an initial seal ring contacting portion on a radius portion on the plug between the flat portion and the first taper portion, since the initial stopper contacting portion of the plug of Yoshida has not been explicitly disclosed and is indeterminate from Yoshida's figures and specification.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection since the alleged prior art reference to Yoshida fails to teach or suggest each element and feature of Applicant's claimed invention.

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IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:

Dec. 20, 2007

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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Request for Reconsideration under 37 C.F.R. § 1.116 and Statement of Substance of Interview under 37 C.F.R. § 1.133(b) to Examiner Hewitt, Art Unit 3679, on December 20, 2007.

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